

Adopted: 10-21-81
Amended: 12-16-81
Amended: 10-25-84
Amended: 9-2-88
Set Aside 6-10-05

Parameters and Guidelines
Regional Housing Need Determinations,
Councils of Governments
(Chapter 1143, Statutes of 1980,
Government Code Section 65584-65589)

SUMMARY OF MANDATE

By enacting Chapter 1143, Statutes of 1980, the Legislature required that each council of government (COG) determine the existing and projected need for housing for its region, and determine each City and County share of such need, based upon these factors:

- Market demand for housing
- Employment opportunities
- Availability of Suitable sites and public facilities
- Commuting patterns
- Type and tenure of housing
- Housing needs of farmworkers
- Desire to avoid impaction of localities with relatively high proportions of lower income households

If a local government revises its share of regional housing needs determined by each COG, the COG shall accept the revision, or shall indicate, based upon available data and accepted planning methodology, why the revision is inconsistent with the regional housing need.

BOARD OF CONTROL DECISION

The Board of Control found that Chapter 1143/80, constituted a mandate requiring a "new program" to be provided by councils of governments on August 19, 1981. The Board acted in response to a "claim of first impression" filed by the Association of Bay Area Governments on July 22, 1981.

ELIGIBLE CLAIMANTS

All Councils of Governments (COGs) are eligible to file for reimbursement of state mandated costs related to preparation of the regional housing needs plan.

PERIOD OF REIMBURSEMENT

All cost incurred on or after January 1, 1981, except as otherwise specified under "Reimbursable Costs", are reimbursable. Chapter 1143/80 became effective on January 1, 1981. Only one fiscal year shall be included in each claim. The first claim submitted will report costs incurred from January 1, 1981 to June 30, 1981; the second from July 1, 1981 to June 30, 1982. Pursuant to Revenue and Taxation Code Section 2231, as specified by the State Controller's Office, claims for reimbursement of 1979-80 and 1980-81 fiscal year costs should be submitted within 120 days of the adoption of these parameters and guidelines.

If total costs incurred in a single fiscal year are less than \$200, no reimbursement shall be allowed (RTC Section 2233).

REIMBURSABLE COSTS

Revenue and Taxation Code Section 2207 defines "costs mandated by the state" to mean any increased costs resulting from "an increased level of service or new program". Chapter 1143/80 mandates certain new program activities for COGs focusing on the regional share requirement of the housing element. The following activities and costs may be reimbursed under these parameters and guidelines provided that costs are incurred prior to the dates specified below:

1. Activity: If necessary, adjust data provided by the Department of Housing and community Development to determine existing and projected housing needs of the region. Coordination of COG determinations of regional housing needs should take place with the Department of Housing and Community Development (HCD).

Reimbursable Costs: Salaries and Benefits of personnel utilized to review and adjust data provided by HCD. These costs must be incurred prior to December 31, 1981.

2. Activity: Preparation of draft plan that distributes regional housing needs to cities and counties within the geographical area of the COG, utilizing available data and the factors cited in Section 65584(a).

Reimbursable Costs: Salaries and benefits of personnel directly assigned to the preparation of the plan, including professional staff, clerical support and/or the preparation of the plan are also reimbursable. These costs must be incurred prior to December 31, 1981.

3. Activity: Conducting pf public hearings by the Board of Directors for the purpose of adopting determinations of local shares of regional housing needs. Meetings, briefing, training sessions, seminars and advisory committees are not reimbursable.

Reimbursable Costs: Salaries and benefits of personnel, e.g. Executive Director, Program Manager, and clerical required to conduct hearing.

Space-Rental of adequate space in the region for the purpose of conducting the public hearing.

Supplies-Charts, graphs, envelopes and maps used for the purpose of conducting the public hearing.

Reports-Final plan proposed for adoption.

These cost must be incurred prior to December 31, 1981.

4. Activity: Review of all local government revisions to the COG's determined shares of regional housing needs, if any, and acceptance of such revisions or indications that such revisions are inconsistent with regional housing needs within 60 days after the time period for local government's revisions.

Reimbursable Costs: Salaries and benefits of personnel directly assigned to the review and revision process. Costs must be incurred prior to May 30, 1982.

5. Activity: Claimants may be reimbursed under this section for one iteration of these activities, per required revision.

Reimbursable Costs: As described above. These costs must be incurred by the following deadlines:

- A) Southern California Association of Governments: July 1, 1984,
For the first revision and December 31, 1988 for the second revision.

- B) Association of Bay Area Governments: January 1, 1985 for the first revision, and December 31, 1989 for the second revisions.
- C) San Diego Association of Governments, the Council of Fresno County Governments, the Kern County Council of Governments, the Sacramento Council of Governments, and the Association of Monterey Bay Area Governments: July 7, 1985, for the first revision, and December 31, 1988 for the second revision.
- D) All other counsels of governments: January 1, 1986, for the first revision, and December 31, 1990 for the second revision.

Reimbursement for activities 1 through 5 above shall be subjected to the following limitations:

1. Professional staff assigned to the program activities 1 through 5. Reimbursement shall not be made for managers, supervisors, or staff who are not directly and functionally assigned to these program activities.
2. Staff travel to public hearing if not conducted at normal place of business is reimbursable.
3. Professional and consultant services to provide assistance to the staff in the preparation of the regional housing needs plan is reimbursable.
4. Services and Supplies - Working maps, base maps, charts, and graphs and other essential items which are necessary for use in the preparation of the regional housing need determination and public hearings are reimbursable.
5. Records of actual and necessary staff time to accomplish mandate should be maintained, and the claim must be based on these records.

GUIDELINES FOR CLAIM PREPARATION

This procedure will help COG's organize the data presentation for the various categories of allowable costs that may be claimed. Adherence to this procedure will speed up the reimbursement process. It will also ensure consistency in the review of the claim and lessen the need by the Controller's Office to contact the claimant for additional information.

1. DESCRIPTION OF ACTIVITY

Workload data as well as invoices and other verifications for supplies, equipment and services etc. related to the preparation of regional need determinations are requested to support the level of costs claimed. If costs cannot be supported, the costs reported will be disallowed by the Controller. The selection of appropriate data is the responsibility of the claimant.

2. SALARY AND EMPLOYEE BENEFITS

Show the classification of the employees involved, mandated function performed, number of hours devoted to the function, hourly rate and fringe benefits.

3. SERVICE AND SUPPLIES

Only expenditures which can be identified as direct costs as a result of the mandate can be claimed. List costs of material acquired which have been consumed or expended specifically for the purpose of this mandate.

4. ALLOWABLE OVERHEAD COST

Indirect costs may only be claimed through an indirect cost rate proposal prepared in accordance with the provision of Federal Regulation OASC-70 (use in conjunction with FMC-74-4).